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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* OLIVER K. BAN, GLENN D. JOHNSON,  
SHU-CHEN LIM, and JOHN S. MARESCA

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Appeal 2011-009199  
Application 11/289,106  
Technology Center 2100

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Before DONALD E. ADAMS, LORA M. GREEN, and  
JEFFREY N. FREDMAN, *Administrative Patent Judges*.

FREDMAN, *Administrative Patent Judge*.

DECISION ON APPEAL

This is an appeal<sup>1</sup> under 35 U.S.C. § 134 involving claims to a method to return a display on a screen of a device to a pre-selected language. The Examiner rejected the claims as obvious. We have jurisdiction under 35 U.S.C. § 6(b). We affirm.

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<sup>1</sup> Appellants identify the Real Party in Interest as International Business Machines Corporation (*see* App. Br. 3).

*Statement of the Case*

*Background*

“[T]he present invention relates to methods, systems, and media for changing language characters displayed in graphical user interfaces and application programming interfaces” (Spec. 1 ¶ 0001).

*The Claims*

Claims 1, 13, 18, and 21 are on appeal (*see* App. Br. 3)<sup>2</sup>. Claim 1 is representative and reads as follows:

1. A method to return a display on a screen of a device to a pre-selected language, the method comprising:
  - enabling access for a user of the device to an element in more than one navigable displays for the screen, wherein the element is adapted to be activated without selection of a plurality of menu elements by the user;
  - displaying, continuously, the element in the more than one navigable displays, wherein language characters of the element are consistently displayed in the pre-selected language regardless of a currently configured language of the device; and
  - linking activation of a language function with activation of the element of the user interface, wherein the language function is adapted to switch from the currently configured language associated with a current display of the more than one navigable displays on the screen to the pre-selected language.

*The issues*

- A. The Examiner rejected claims 1-5, 7-10, 12-14, 16, 18, 19, and 21-26 under 35 U.S.C. § 103(a) as obvious over Morgan,<sup>3</sup> Scanlan,<sup>4</sup> and Seitz<sup>5</sup> (Ans. 4-10).

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<sup>2</sup> Appellants do not identify claims 4-6, 8-12, 15, 17, 20, or 22-26 as subject to the instant appeal (*see* App. Br. 3; Claims Appendix).

B. The Examiner rejected claims 6, 11, 13, 17, and 20 under 35 U.S.C. § 103(a) as obvious over Morgan, Scanlan, Seitz, and Tognazzini<sup>6</sup> (Ans. 11-12).

A. *35 U.S.C. § 103(a) over Morgan, Scanlan, and Seitz*

The Examiner finds that Morgan teaches a “method to return a display on a screen of a device to a pre-selected language, the method comprising: enabling access for a user of the device to an element in more than one navigable displays for the screen” (Ans. 4). The Examiner acknowledges that Morgan doesn’t teach “wherein the element is adapted to be activated without selection of a plurality of menu elements by the user; displaying continuously, the element in the more than one navigable display” (*id.* at 5). The Examiner finds that Scanlan teaches “displaying translation options with the screen and therefore user does not have to scroll through to activate selection and the explorer can always be present” (*id.*). The Examiner finds that Seitz teaches “an English web page that has been translated to a foreign language but maintains elements in the original language (Figure 4 (yahoo search elements)). The elements which are provided in a consistent language pertain to language functionality within the display” (*id.*).

The Examiner finds it obvious to “provide translation options that are always present within the instructions of Morgan as taught by Scanlan. One would have been motivated to provide the selection screen as an improved design choice for immediate selection” (*id.*).

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<sup>3</sup> Morgan et al., US 7,257,440 B2, issued Aug. 14, 2007.

<sup>4</sup> Scanlan, P., US 6,857,022 B1, issued Feb. 15, 2005.

<sup>5</sup> Seitz et al., US 2006/0265652 A1, published Nov. 23, 2006.

<sup>6</sup> Tognazzini, B., US 6,473,728 B1, issued Oct. 29, 2002.

The issue with respect to this rejection is: Does the evidence of record support the Examiner's conclusion that Morgan, Scanlan, and Seitz render claims 1, 13, 18, and 21 obvious?

*Findings of Fact*

1. The Specification teaches that “the element displayed on the GUI or API screen to select a display language may be a continually visible menu bar item” (Spec. 7, ll. 4-5 ¶ 0019).

2. The Specification teaches an embodiment where GUI screen 200 depicted in both FIG 2 and FIG 3 contains an “English” selection box 245. . . . Worth emphasizing, for the embodiment depicted in FIG 2 and FIG 2 [sic 3], note that “English” selection box 245 has English language characters when English is selected as the desired language, as in FIG 2, and also English language characters when Chinese is selected as the desired language, as in FIG 3.

(Spec. 10, ll. 7-13 ¶ 0029.)

3. The Specification teaches that “GUI window 500 may have a row of option buttons for selecting a different display language, such as English option button 520, German option button 530, Spanish option button 540, Chinese option button 550, and Russian option button 560” (Spec. 13, ll. 21-23 ¶ 0038).

4. Morgan teaches that:

display **410** could list one or more languages, and the user could use the contrast button **408** to scroll through the list until the desired language is highlighted. Thereafter, the user could use, for example, the up contrast button **406** to actually select the language. The instructions would then be visible on the display **410** or audible through the speaker **412**, or a combination thereof. Additionally, if the

defibrillator was relying on voice instructions from the user (as discussed below), the phenomes would be received through the microphone . . .

(Morgan, col. 8, ll. 14-23).

5. Figure 2 of Scanlan is reproduced below:

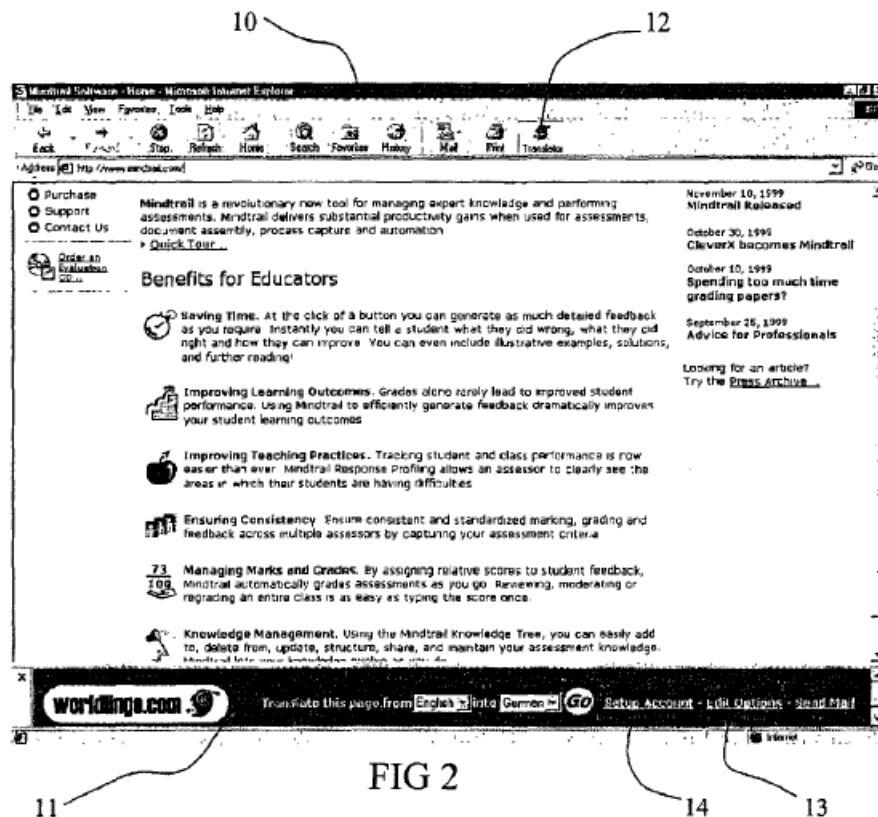


FIG 2

“FIG. 2 shows an example of a one-click explorer bar embodiment of a translation ordering component” (Scanlan, col. 2, ll. 46-47).

6. Scanlan teaches

[A] one-click translation component displayed simultaneously with at least part of an electronic communication, said translation component comprising an object identified as effecting a translation of said electronic communication; a translation manager in communication with said one-click translation component via a communication network, said translation manager obtaining

a translation of said electronic communication in response to a user clicking said one-click translation component, and directing transmission of said translation of said electronic communication to the user.

(Scanlan, col. 2, ll. 32-41.)

7. Scanlan teaches that

FIG. 2 shows a screen shot of a web page **10** in English. At the bottom of the screen is an explorer bar **11** that implements a one-click translation component. . . .

The explorer bar may always be present in the browser window but may also be invisible until the user activates the translator plug-in button **12** on the tool bar

(Scanlan, col. 3, ll. 48-60).

8. Figures 3 and 4 of Seitz are reproduced below:

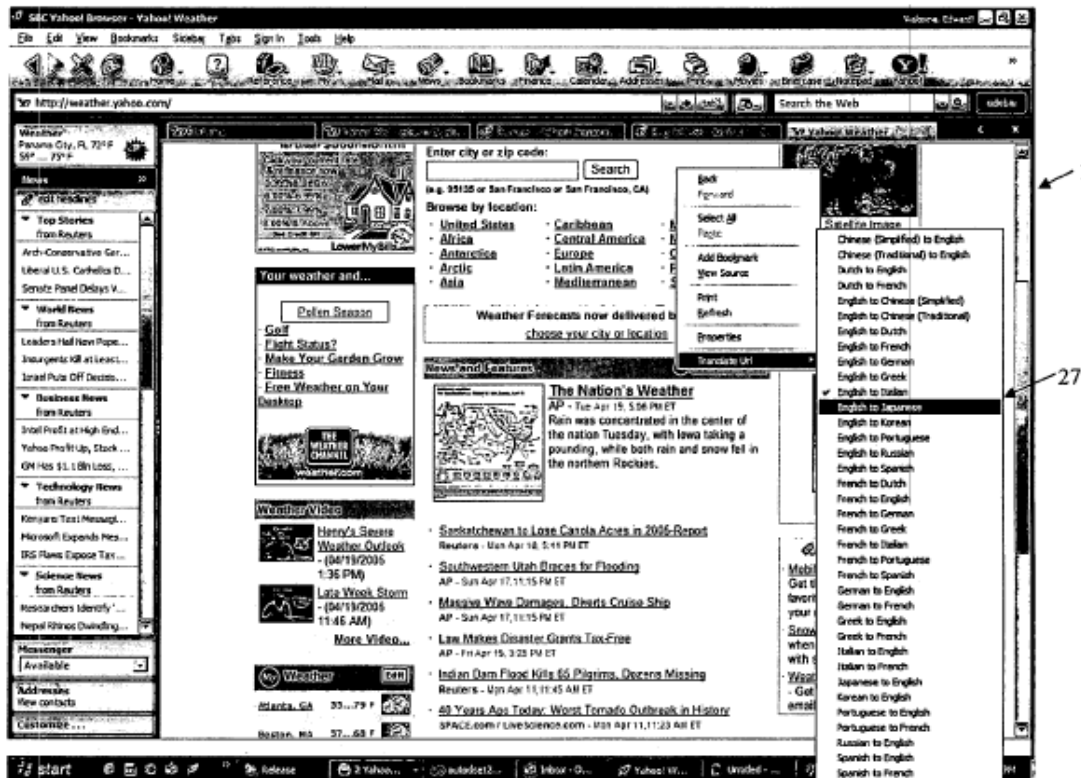


FIG. 3



FIG. 4

“FIG. 4 is a screen capture illustrating an exemplary embodiment of the invention wherein the page at the URL of FIG. 3 has been translated” (Seitz 2 ¶ 0018).

#### *Principles of Law*

“The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results.” *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 416 (2007).

“If a person of ordinary skill can implement a predictable variation, § 103 likely bars its patentability.” *Id.* at 417. As noted by the Court in *KSR*, “[a] person of ordinary skill is also a person of ordinary creativity, not an automaton.” 550 U.S. at 421.



*Analysis*

Morgan teaches a device with a screen which enables user access to an element for selecting a language display and which links the user selection with the activation of the language function, permitting a switch from the currently displayed language to another language (FF 4). Scanlan teaches a display (FF 5) which includes “an explorer bar **11** that implements a one-click translation component. . . . The explorer bar may always be present in the browser window” (Scanlan, col. 3, ll. 48-59; FF 7). That is, the explorer bar of Scanlan displays, continuously in different windows, an element which permits the user to translate the displayed page from a first language to a second language (FF 6-7). Figure 4 of Seitz demonstrates a page translated into Japanese where the start bar and other features remain in a default, English language mode (FF 8).

Applying the *KSR* standard of obviousness to the findings of fact, we conclude that it would have been obvious to an ordinary artisan to combine the separate teachings of Morgan, Scanlan, and Seitz to create a language element continuously displayed on a device screen where activation of the language element permits translation of the screen contents to a selected different language, while maintaining the text of the element itself in a pre-selected language (FF 4-8). Such a combination is merely a “predictable use of prior art elements according to their established functions.” *KSR*, 550 U.S. at 417.

Appellants contend that “the combination of *Morgan*, *Scanlan*, and *Seitz* still does not teach or suggest enabling access to an element in more than one navigable displays for the screen, wherein the element is

continuously displayed in the pre-selected language regardless of the currently configured language” (App. Br. 6). Appellants contend that “displaying *one* element in *one* display in a language that is different from the current configured language does not amount to displaying the element in **both displays** in the pre-selected language” (*id.* at 6-7).

We are not persuaded. Scanlan teaches a display (FF 5) which includes “an explorer bar **11** that implements a one-click translation component. . . . The explorer bar may always be present in the browser window” (Scanlan, col. 3, ll. 48-59; FF 7). This is an express suggestion that the explorer bar, here the “element,” should be present in multiple displays (FF 7). While Scanlan does not expressly teach that the explorer bar remains in a pre-selected language after translation, Seitz provides a figure showing that this concept was known to the ordinary artisan (FF 8). Consequently, the person of ordinary skill and creativity would reasonably have recognized that maintaining Scanlan’s explorer bar in a pre-selected language, such as English, would “allow user ability return to original views in the case of a mistake” (Ans. 6).

Appellants contend that “*Seitz* employs **two different elements** for two displays when translating text of a web page” (App. Br. 7). Appellants contend “that the ‘View Original’ element in Fig. 4 is a completely different element than the ‘menu’ element of Fig. 3” (*id.*). Appellants contend that “**neither of the two elements** in the first and second displays of *Seitz* (Fig. 3, element 27; Fig. 4, ‘View Original’ element) is shown with the **pre-selected language characters** in both displays, regardless of the currently displayed language” (*id.* at 8).

While we agree with Appellants that Seitz does not use a single element, Seitz is not relied upon by the Examiner for this teaching. The Examiner expressly finds that “the element of Seitz is not meant to provide the direct functionality of the selection element, this is previously covered in Scanlan” (Ans. 13). We agree with the Examiner that Scanlan teaches a single element, which may be present on multiple pages (FF 7), and which performs the translation function. Seitz is simply used to show evidence that the ordinary artisan would have had reason and a reasonable expectation of success in retaining text in a preselected language as well as the translated language (FF 8).

Appellants rely upon essentially the same arguments for claims 13, 18, and 21, which we do not find persuasive for the reasons given above.

*Conclusion of Law*

The evidence of record supports the Examiner’s conclusion that Morgan, Scanlan, and Seitz render claims 1, 13, 18, and 21 obvious.

*B. 35 U.S.C. § 103(a) over Morgan, Scanlan, Seitz, and Tognazzini*

The Examiner relies upon Morgan, Scanlan, and Seitz as discussed above, further finding that Tognazzini “discloses a touch screen for selecting a target” (Ans. 11). The Examiner finds it obvious to combine the prior art “to include the touch screen to improve the selection functionality of the system” (*id.*).

The Examiner provides sound fact-based reasoning for combining Tognazzini with Morgan, Scanlan, and Seitz. We adopt the fact finding and analysis of the Examiner. Appellants provide no arguments relating to this rejection, so we affirm this rejection for the reasons given above.

### SUMMARY

In summary, we affirm the rejection of claims 1, 13, 18, and 21 under 35 U.S.C. § 103(a) as obvious over Morgan, Scanlan, and Seitz. Pursuant to 37 C.F.R. § 41.37(c)(1), we also affirm the rejection of claims 2- 5, 7-10, 12, 14, 16, 19, and 22-26, as these claims were not argued separately.

We affirm the rejection of claims 6, 11, 13, 17, and 20 under 35 U.S.C. § 103(a) as obvious over Morgan, Scanlan, Seitz, and Tognazzini.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a).

AFFIRMED

cdc